

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

JOSHUA SCHMITT, Individually and on Behalf )  
of All others Similarly Situated, )

Plaintiff, )

v. )

CHINA XD PLASTICS COMPANY, LIMITED, )  
FAITH DAWN LIMITED, FAITH HORIZON, )  
INC., XD ENGINEERING PLASTICS )  
COMPANY LIMITED, JIE HAN, TAYLOR )  
ZHANG, LINYUAN ZHAI, HUIYI CHEN and )  
GUANBAO HUANG, )

Defendants. )

C.A. No. 1:20-cv-06028-NGG-SJB

**STIPULATION AND ~~PROPOSED~~  
ORDER SETTING TIME TO RESPOND  
TO COMPLAINT AND MOTION TO  
DISMISS BRIEFING SCHEDULE**

Plaintiff Joshua Schmitt and Defendants China XD Plastics Company Limited, Taylor Zhang, Linyuan Zhai, Huiyi Chen, Guanbao Huang, Jie Han, XD Engineering Plastics Co., Ltd., Faith Dawn Ltd., and Faith Horizon, Inc. hereby stipulate and agree as follows:

WHEREAS, on December 10, 2020 Plaintiff filed the complaint in the above-captioned action (the “Action”) against China XD, Faith Horizon, Inc., and Defendants Faith Dawn Limited, XD Engineering Plastics Company Limited, Jie Han, Taylor Zhang, Linyuan Zhai, Huiyi Chen, and Guangbao Huang (collectively, “Defendants”) (Docket No. 1);

WHEREAS, on February 17, 2021, Plaintiff filed the amended complaint in the Action (the “Amended Complaint”), a putative class action arising under the Securities Exchange Act of 1934 (“Exchange Act”), including the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), 15 U.S.C. § 78u-4 (Docket No. 19);

WHEREAS, on April 19, 2021, the Court ruled the Action was subject to the automatic stay provision of the PSLRA, § 78u-4(b)(3)(B), and imposed a stay of discovery during the pendency of a motion to dismiss to be filed by the Defendants;

WHEREAS, on August 16, 2021, Plaintiff filed the second amended complaint in the Action (the “Second Amended Complaint”), a putative class action arising under the Securities Exchange Act of 1934 (“Exchange Act”), including the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), 15 U.S.C. § 78u-4 (Docket No. 39);

WHEREAS, pursuant to the PSLRA, a lead plaintiff motion was filed, (Docket No. 42) subject to the Court’s approval, 15 U.S.C. § 78u-4(a)(3)(B)(v);

WHEREAS, the Court ruled on the lead plaintiff motion, appointing Joshua Schmitt as Lead Plaintiff and Squitieri & Fearon, LLP as Lead Class Counsel (Docket No. 57);

WHEREAS, in accordance with the Court’s prior order (Docket No. 25), the parties met and conferred to discuss in good faith a schedule for Defendants to answer, move, or otherwise respond to the operative complaint, including any motion pursuant to Federal Rule of Civil Procedure 12,

ACCORDINGLY, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the undersigned parties, subject to Court approval, as follows:

WHEREAS, the parties agree that, in the interests of judicial economy, conservation of time and resources, and orderly management of this Action, a schedule should be established with respect to any responsive pleading or motion;

1. The time for Defendants to answer, move, or otherwise respond to the Second Amended Complaint (Docket No. 39) previously filed in this Action shall be April 15, 2022.
2. Plaintiff will then have up to 60 days to oppose any motion(s).
3. Defendants will then have 30 days from the date of receipt of Plaintiff’s opposition to reply in further support of any motion(s).

4. Nothing herein shall be deemed to constitute a waiver of any rights, defenses, objections or any other application to any court that any party may have with respect to the claims set forth in the Second Amended Complaint (Docket No. 39).

DATED: February 16, 2022

SQUITIERI & FEARON, LLP

/s/ Olimpio Lee Squitieri  
Olimpio Lee Squitieri  
32 East 57<sup>th</sup> Street, 12<sup>th</sup> Floor  
New York, New York 10022

*Attorneys for Plaintiff Joshua Schmitt*

DATED: February 16, 2022

EPSTEIN BECKER & GREEN, PC

/s/ Daniel D. Edelman  
Daniel D. Edelman, Esq.  
Brian Friedman, Esq.  
875 Third Avenue  
New York, New York 10022

*Attorneys for China XD Plastics Company,  
Limited and Taylor Zhang*

DATED: February 16, 2022

LEWIS ROCA ROTHGERBER CHRISTIE  
LLP

/s/ Darren J. Lemieux  
\_Darren J. Lemieux (*Pro Hac  
Vice*) One East Liberty Street,  
Suite 300 Reno, Nevada 89501

*Attorneys for Defendant China XD Plastics  
Company Limited and Taylor Zhang*

DATED: February 16, 2022

BARNES & THORNBURG, LLP

/s/ Joseph A. Matteo  
Joseph A. Matteo, Esq.

445 Park Avenue, Suite 700  
New York, New York 10022  
*Attorneys for Linyuan Zhai, Huiyi Chen, and  
Guanbao Huang*

DATED: February 16, 2022

SCHER TREMONTE, LLP

/s/ Michael Tremonte

Michael Tremonte, Esq.

Mark Cuccaro, Esq.

90 Broad Street, 23<sup>rd</sup> Floor

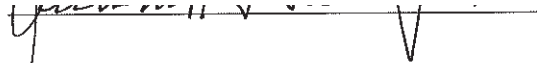
New York, New York 10004

*Attorneys for Jie Han, XD Engineering Plastics  
Co., Ltd., Faith Dawn Ltd., and Faith Horizon,  
Inc.*

**PURSUANT TO STIPULATION, IT IS SO ORDERED**

DATED: February 17, 2022

s/Nicholas G. Garaufis

A handwritten signature in black ink, appearing to read "Nicholas G. Garaufis", written over a horizontal line.

The Honorable Nicholas G. Garaufis  
United States District Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16th day of February, 2022, I caused the foregoing document to be filed and served electronically using the Court's CM/ECF system, which automatically sent a notice of electronic filing to all counsel of record.

DATED: February 16, 2022

/s/ Daniel D. Edelman

Daniel D. Edelman, Esq.

Brian Friedman, Esq.

EPSTEIN BECKER & GREEN, PC

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*Attorneys for China XD Plastics Company,  
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